Delaware River Basin Commission

Water Resources Program

FY 2006-2012

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DRBC Water Resources Program

I. Structure & Content

A. Authorization. The Delaware River Basin Compact states:

The commission shall annually adopt a water resources program, based upon the comprehensive plan, consisting of the projects and facilities which the commission proposes to be undertaken by the commission and other authorized governmental and private agencies, organizations and persons during the ensuing six years or such other reasonably foreseeable period as the commission may determine. (§ 3.2 DRB Compact, 1961)

The Compact defines "project" as ... "any work, service, or activity which is separately planned, financed or identified by the commission . . . for the conservation, utilization, control development or management of water resources" (§1.2.(g)).

B. Scope & Organization. The 2006 Water Resources Program (WRP) covers fiscal years (FY) 2006 through 2012 and is a strategic plan for DRBC program direction over the next six years. The architecture is based on the Delaware River Basin Compact (Compact) and the Key Result Areas of the *Water Resources Plan for the Delaware River Basin* (Basin Plan 2004), and includes references to relevant goals, objectives, and directives of those two documents.

The 2006 WRP reflects a transition in DRBC annual program reporting to include longer range planning to accomplish both the directives of the Compact and the goals of the Basin Plan pertinent to the Commission's mission. The development and execution of this WRP also outlines a path for the re-evaluation and renewal of the Commission's Comprehensive Plan.

The Water Resources Program is designed with two strategic parts:

- 1) **Brief narrative**. Prefaced with an overview of conditions and a statement of issues, the WRP narrative summarizes each section of the program and activities matrix, noting the direction and long range purpose of the program or proposed activities.
- 2) **Matrix of programs**. The WRP matrix includes annual outlooks for FY 2006, 2007 and 2008, and two-year increments for the time frame 2009-2012, reflecting the uncertainty inherent in projecting resource allocation beyond three years. Information in the columns provides a snapshot of the programs and projects, activities and services, and products and output for each designated fiscal time frame. Anticipated or potential funding sources are also noted.

II. WATER RESOURCE MANAGEMENT ACTIVITIES:

Projects proposed to be undertaken between 2006 and 2012.

A. General Statement of Conditions in the Basin

Hydrologic conditions. During the past five years, the basin has experienced extremes in hydrology. The severe drought of 2001-2002 was followed by an extended period of above normal precipitation, flow, and storage in 2003 and 2004. Flooding from tropical storm Ivan in September of 2004 was eclipsed in April 2005 by a flood that produced the highest stage on the main stem Delaware since the record flood of 1955. After the April 2005 flood, dry conditions returned to the basin, with storage and stream flow well below normal by the late summer.

Water supply. Based on the findings of a study undertaken by staff in 2004, total water availability exceeds total water withdrawal at the aggregate basin-wide and major sub-basin scale during most hydrologic conditions. Yet in the Delaware Basin, factors such as the uneven distribution of withdrawals, minimum passby requirements for stream flow (e.g., fisheries targets), limited water supply infrastructure in some areas, limited surface water storage, the provisions of the 1954 Supreme Court Decree, and operating requirements instituted in response to the drought of record of the 1960s, all contribute to reductions in water availability in dry conditions. These reductions include water uses for domestic, commercial, industrial, recreational, and aquatic resource purposes.

Water quality. Conditions in the Delaware River Basin are varied, with water quality generally better in headwaters and upstream areas than in downstream areas. Approximately 197 miles of the Delaware River, from Hancock, NY to Trenton, NJ have been designated by the Commission as Special Protection Waters, due in part to that high water quality. The States of Delaware, New Jersey, New York and Pennsylvania all have numerous stream reaches incorporated into their antidegradation programs that are intended to protect better quality waters. However, many of the Basin's stream and river segments where quality does not support the designated use are scheduled for TMDLs for a variety of pollutants such as PCBs, chlorinated pesticides, metals, nutrients, sediment and bacteria.

B. Key Water Resource Management Issues

In the evaluation of work priorities over the next six years there are three key issues that must be addressed and a series of questions that we hope to be able to answer. The detailed work plan will be used to allocate resources as well as to develop priorities for funding opportunities.

Flow management. In the next six years, building on the "Good Faith Agreement", we will develop long-term, flexible programs to manage the waters of the basin during drought, normal and high flow periods. These plans will address human water needs, flood loss reduction, as well as instream flow needs applied to regulated and unregulated streams.

Programs are planned to answer these key questions:

- What is the current water availability and what are the current and future demand projections for each of the Basin's major watersheds?
- Is additional storage needed in specific areas of the Basin to provide adequate supply during low flow period?
- How can basin-wide flood mitigation best be accomplished? Do we need additional flood storage or can the existing system function with the addition of county and municipal hazard mitigation planning?
- What instream flow regimes are needed to support upper basin fishery and endangered species populations?
- What seasonal flows are needed at Trenton to support estuarine biological communities (e.g., oysters), maintain the salinity standard (180 mg/l at RM 95), and provide the calculated low flow for wastewater assimilation?

What watershed management policies can be put in place to protect human water needs and instream flow regimes on unregulated streams? Maintaining adequate flows will require management of wastewater, storm water and water withdrawals. What are the best mechanisms for partnership with municipalities, counties and state entities to develop meaningful watershed programs?

Keeping the clean water clean. The Delaware Basin is unique in having so many miles of high quality waterways (above standards) in the midst of the dense, Mid-Atlantic metropolitan area. It provides an enormous benefit to the citizens and workers of the Basin; the challenge is keeping it that way.

In addition to establishing the Lower Delaware Special Waters Program, DRBC will be addressing the following questions:

- What are the greatest threats to existing water quality in the non-tidal Delaware? What programs need to be in place to address these threats? Who are our best partners?
- How effective has the Special Waters Program been in the Upper and Middle Delaware? Should it be modified?
- What monitoring is needed to assess trends?

Impaired waters. Significant stretches of the rivers and streams in the Basin are impacted by pollutants to the point where they are impaired and do not support their designated uses. Causes and sources of impairment vary throughout the Basin. The list of pollutants includes nutrients, sediment and bacteria, as well as toxics, such as organochlorines, PCBs and mercury that result in fish consumption advisories. The current priority is the clean-up of PCBs in the estuary and upstream sites affecting the estuary in order to meet the goal of 50% reduction in five years. To do all that is required in the next six years to address impaired waterways will require greater funding and personpower than currently available. In order to prioritize DRBC actions, the following questions must be addressed:

- Based on the existing listings and the 2006 Integrated Listing, which interstate impairments pose the greatest risk to humans and the environment?
- Are the most appropriate criteria in place?
- Can multiple impairments be addressed through a TMDL and IAC process similar to that used for PCBs?
- Working with the state and federal partners, what innovative programs can be used to address priority clean up needs identified through DelTRiP?
- Can multiple impairments be addressed by a basin-wide sediment management plan?
- Are the existing water quality standards adequate? Should we develop uniform criteria?

C. Water Resource Management Program Summary: Summary of the activities and programs identified in the Matrix for 2006- 2012

Section

- 1.0 ENSURING THE SUSTAINABLE SUPPLY OF SUITABLE QUALITY WATER
- 1.1 Water Availability & Demand Forecasting.
- 1.2 Supply and Flow Management
- 1.3 Demand Management
- 1.4 Determining Water Quality & Meeting Standards: Criteria-based Programs, Anti-degradation, Water Quality Administration

Ensuring a sustainable supply. The WRP must include an assessment of the water needs of the basin. To this end, staff has developed a draft forecast and is working with PA to develop a water

supply plan in accordance with Act 220. Staff is also working with New Jersey on that state's water supply plan update, as well as monitoring efforts in Delaware and New York. In 2004, Delaware developed a supply enhancement plan to help relieve supply shortage issues in northern New Castle County; ground water modeling is ongoing. DRBC's role in these efforts is included in the matrix of activities.

Demand forecasts will be reviewed against the results of USGS ground water availability results and the demo water budgets for five key watersheds in the basin. In 2006, the demand and supply/availability numbers will be compared. The results will inform a review of current water supply enhancement projects in the CP and indicate where additional supply issues may need to be addressed. Ongoing efforts to address supply issues include DRBC's water conservation program, administration of the SE Pennsylvania Ground Water Protected Area Program, support of New Jersey's Critical Area No. 2 program for the Camden NJ metropolitan area, and continued efforts by the parties to the 1954 Supreme Court Decree, through DRBC, to develop a program for more flexible management of existing storage.

In support of decree party efforts, a major focus of DRBC's Water Resource Program is improving flow management programs to meet human and ecosystem needs. Staff will continue to provide data and modeling support as well as coordination and facilitation services for flow management negotiations. The work program also includes efforts to manage demand through such measures as enhanced conservation, evaluation of water pricing options, and improved water loss auditing and reporting methods. Evaluation of the effectiveness of ongoing programs, such as the SE Pennsylvania Ground Water Protected Area will also be undertaken.

In the near term, substantial emphasis will be placed on:

- the determination of seasonal ecological needs to inform water supply planning, flow management programs and allocation decisions;
- coordination with stakeholders to improve emergency warning systems and the development of regional contingency supply plans
- modeling efforts to determine vulnerability to supply disruption and water quality impairment.

Ensuring suitable water quality. DRBC monitoring and assessment programs will continue to focus efforts on the determination of water quality and measures needed to meet existing standards through our criteria-based programs. Emerging parameters of concern - such as volatile organic compounds, chlorinated pesticides, poly-aromatic hydrocarbons, etc. - will require additional focus in coming years.

Increasing emphasis will be placed on establishing methodologies for assessing ecosystem health appropriate for the large river system. State efforts for the tributary ecosystem assessment remain crucial to the overall effort. Specific species of concern will be addressed through other programs and activities (see Section 2.0). The development of biocriteria is an issue that may require more resources for methods, monitoring and assessment in coming years.

DRBC will continue its central role in establishing and implementing TMDLs in the shared waters, and identifying major sources of the contaminants of concern. More effort will be placed on keeping the clean waters clean through refinement and implementation of the Special Protection Waters program. Modeling and assessment efforts in SPW areas is expected to form a foundation for collaborative watershed management efforts, such as those for the Tri-State area and the Lower Delaware described in Section 3.0. DRBC will also continue to work with states to provide consistent information related to human health through fish tissue analysis, and fish consumption and recreational advisories.

The EPA's decision to migrate from the STORET data management system and outdated platform to WQX (Water Quality Exchange) may significantly impact the agency's data management and data sharing efforts. The new system will allow use of an agency's own data system and permit

interface with EPA via XML generation tools. Results of the pilot study, expected to be available in December 2005, may shed light on the need for new software, hardware and training for DRBC personnel. Currently there are many uncertainties, making it impossible to anticipate the magnitude of influence on DRBC data management & collaborative efforts for data sharing.

DRBC's regulatory activities remain important for both water supply and water quality management. Administrative agreements with state and federal agencies are undergoing review and revisions to eliminate unnecessary redundancy in the review system. DRBC expects to continue to support state partners through data collection, assessment, mixing zone analysis, and other modeling; and that cooperative efforts to enforce DRBC standards to meet requirements in shared waters will continue to improve.

Section

- 2.0 WATERWAY CORRIDOR MANAGEMENT
- 2.1 Flood Warning & Loss Reduction
- 2.2 Recreation Enhancement
- 2.3 Aquatic Life and Wildlife Habitat Improvement

Flood warning & loss reduction. Increasing frequency and strength of hurricanes and storm activity in 2004 and 2005 have served as reminders of the damage that flood waters can inflict. DRBC has historically and effectively coordinated flood prediction and warning, and promoted the need for improved community hazard mitigation planning in the basin. The agency's strength is its capacity to provide organization across the multiple layers of governmental institutions associated with flood preparedness and mitigation. DRBC is exploring a lead role in the development of a basin-scale all-hazards mitigation plan.

Additional data and assessment efforts may be required to assess vulnerability to flooding, to set indices for aquatic and riparian ecosystem health, to evaluate sediment transport, and to improve stormwater and other land management practices, and to support the flood mitigation portion of the basin-wide all-hazards mitigation plan.

Recreation enhancement. Enhancement of water-based recreation opportunities in the basin is a focus of the Basin Plan and there is opportunity for the Commission to advance progress through coordination, facilitation and technological support. Involvement with greenway partnerships, National Park Service, and National Scenic Byway initiatives within the Delaware River corridor is another way that DRBC fulfills this mission. DRBC offers technological support, including GIS mapping expertise, for these initiatives when feasible.

DRBC will continue to monitor and assess the quality of waters designated for recreational use, to facilitate the discussions of flow management in regulated waters to meet recreational flow needs, and to support efforts, such as the Sojourn, to raise the profile of the basin's water resources as important recreational amenities.

Aquatic life & wildlife habitat improvement. National emphasis on improving water quality to for the protection of species of aquatic and riparian habitat as well as specific species of concern necessitates increased efforts at DRBC to investigate the physical, biological and chemical conditions that contribute to the health of ecological communities. This emphasis is expected to increase, rather than to wane. An efficient use of public-private partnerships, such as that embodied in SEF, the Flow Management Technical Advisory Committee's Subcommittee on Ecological Flows, will be the most effective way to leverage talent and funds to meet ecosystem protection goals. DRBC is also closely coordinating with the Partnership for the Delaware Estuary Program (PDEP) on habitat identification and improvement efforts; the Partnership's Science Coordinator is housed at DRBC to facilitate collaboration. DRBC will continue to be an active member of the Bi-state Oyster Revitalization Task Force and to support PDEP efforts to improve habitat for specific species of concern, such as oysters, horseshoe crabs and anadramous fish,

through collaborative efforts with the Fish & Wildlife Management Cooperative, the US Fish & Wildlife Service, and the Army Corps of Engineers. DRBC intends to remain instrumental in the development and expansion of creative funding opportunities, such as those offered through the National Fish & Wildlife Foundation.

DRBC will continue to increase understanding of ecosystem needs and habitat conditions in the basin through ambient water quality monitoring, fluvial geomorphologic (FGM) assessments, and surveys for biocriteria development conducted in partnership with federal and state agencies. In the estuary and tidal reaches, increasing emphasis will be placed on establishing linkages among benthic, pelagic, and physical conditions & processes, consistent with the recommendations of the federal Ocean Action Plan and the proceedings of the Delaware Estuary Science Conference 2005.

Additional efforts will be made to support partners' sub-basin scale initiatives that evaluate landscape function and natural resource services such as those provided by the estuarine wetlands fringe around Delaware Bay. More information about ecosystem condition and function is necessary to be able to protect and preserve the integrity of the basin's natural communities. Stressor identification through watershed evaluation may prove to be an important next step in this effort (see also section 3.0). DRBC participates when feasible in basin-wide or regional efforts to identify and manage non-native species that can stress ecosystem function.

Section

- 3.0 LINKING LAND & WATER RESOURCE MANAGEMENT
- 3.1 Collaborative Watershed Planning
- 3.2 Promoting sound practices

Collaborative watershed management. DRBC promotes sound practices of watershed management in the Basin (Compact §7.1). Staff is pursuing collaborative partnerships in the Christina watershed, in contributing watersheds draining to the Tri-State bend within the Special Protection Waters program area, and in the Pocono Creek watershed in PA. Generally, DRBC watershed management efforts have been focused in areas that involve two or more states. The Pocono Creek project is a collaborative effort with EPA-ORD to model relationships between ground water and stream base flow, and to develop tools for sustainable water resource management at the local community level. While watershed management is ongoing, the bulk of these projects are expected to be completed by the end of FY 2007. DRBC will remain an active partner with the Upper Delaware Council, the Middle Delaware Advisory Committee and the Schuylkill Action Network (SAN).

DRBC promotes integrated resource planning and management, and has developed *Guidelines for Integrated Resource Planning* (IRP) as a tool for communities in the Ground Water Protected Area of southeast Pennsylvania.

Promoting sound practices. The Basin Plan's goals regarding watershed management include:

- preserving and restoring natural hydrologic cycles through improved stormwater management;
- maintaining and restoring the function of valuable water resource landscapes, such as wetlands and aquifer recharge areas;
- the integration of water resource considerations into land use planning and growth management

Critical to achievement of these desired outcomes is the provision and availability of information, including, but not limited to:

- identification/mapping of high value water resource landscapes;
- knowledge of landscape function for water resource sustainability;

- assessment of watershed vulnerability related to impairment or protection of water resources
- establishment of performance standards to be used in regional and local planning and regulation.

DRBC is the logical regional entity for performing basin-scale assessments, for providing tools to improve watershed management, and for making those tools and the informational layers available to the basin community through the web site. These activities can be undertaken within the planning period, but partnerships and allocation of resources are critical for success. Assessments related to this effort will provide substance and refinement to indicators of environmental condition on which DRBC is to report periodically. DRBC has already begun the assembly of a narrow range of watershed information for the purpose of informing implementation of the PCB TMDL through improved non-point source management, revised load allocations, and project review. Additionally, the assessments could provide a strong foundation for watershed based trading, which may become a necessary tool for maintaining or achieving improved water quality.

Section

- 4.0 INTERGOVERNMENTAL RELATIONS
- 4.1 Conflict Management
- 4.2 Facility Planning
- 4.3 Intergovernmental Coordination

Conflict management. Perhaps the most unique of DRBC's many functions is support for the states, federal government, and parties to the 1954 Supreme Court Decree for the avoidance and resolution of jurisdictional conflicts. DRBC remains the forum for discussion and arbitration of interjurisdictional issues associated with the regulation of withdrawals and diversions, water allocation, flow management, pollution prevention, flood mitigation, and endangered species protection.

Facility planning. The Commission has considerable powers of oversight relating to major facilities and projects affecting water resources in the basin, and..."for the determination of project priorities, pursuant to the requirements of the comprehensive plan and [the] water resources program." One of the initial tasks will be to evaluate the "proposed reservoir enhancement projects," presently part of the Comprehensive Plan, against the current need for regional flood control and for supply enhancement. This includes the proposed upgrades for the Cannonsville, F.E. Walter, and Prompton reservoirs, and the status of the federally de-authorized Tocks Island project. DRBC staff will continue to assist the Army Corps of Engineers with the Flood Mitigation Feasibility Study and annual facility inspections.

Federal and state intergovernmental coordination. DRBC has the daunting but important task of coordinating across jurisdictional boundaries and through the multiple layers of government to achieve intergovernmental coordination. This coordinating effort begins at the planning stage, where DRBC is involved with several federal agencies, including the EPA, USGS, and the Army Corps of Engineers in the review, modification, and coordination of the agencies' respective strategic plans. Coordination with state agencies is achieved through a variety of methods. Memoranda of Agreement/Understanding with the sates are currently undergoing evaluation for relevancy and efficacy, and will be renegotiated within the next 12 to 18 months. Executive staff continue efforts to discuss water resource issues with legislators to inform them of the importance of DRBC, and to engage their assistance in re-establishing federal fiscal support. State and federal coordination also takes place within DRBC advisory committees and other issue-specific initiatives (see Advisory Committees, below).

Intrabasin coordination. Much staff time is devoted to participating in partnership efforts for the estuary, for watershed initiatives, and for issues of regional importance, such as invasive species management, habitat protection, and waterway enhancement. The implementation of the Basin Plan, determination of regional priorities and coordination of regional actions will present a

challenge for the current staffing levels at DRBC. Significant leverage can be gained from utilizing existing regional efforts and developing more efficient and innovative means of communication and coordination. Utilizing a Steering Committee to develop strategies for the coordination of Basin Plan implementation will be a critical link for establishing direction and oversight of actions without appreciably taxing DRBC staff resources.

Interbasin/National coordination. Collaboration among state and interstate agencies across basin boundaries encourages the exchange of information, ideas, and experience, and supports initiatives of benefit to member agencies and to water resources management generally. DRBC remains a partner in the Association of State & Interstate Water Pollution Control Agencies (ASIWPCA) and in the Interstate Council of Water Policy (ICWP). As water resource management faces the growing challenges associated with a changing climate, a challenging fiscal future, and shifting political environments, involvement with these partners will be of increasing benefit to DRBC. DRBC will continue to strengthen coordination with its sister agencies (SRBC, etc.) through collaboration and communication on projects and issues of common interest.

Internal advisory committees. Six major advisory committees presently aid the Commission in policy and standards development. Committees for flow, flood, toxics, monitoring, water quality and water management meet quarterly, monthly or as needed. All administrative needs are met by DRBC staff, including the development of agendas, arrangement of venues, communicating with members, and processing formal meeting minutes. Staff also coordinates internally on issues that cut across the interests or expertise of more than one committee.

Changes in water resource management foci may require the reconsideration of existing committee structure or the establishment of additional committees or subcommittees. For example, the need for assessing instream ecosystem flow needs resulted in the establishment of the Subcommittee on Ecological Flows (SEF). Similarly, a greater emphasis on management of non point sources, such as requirements on the Special Protection Waters, may be aided by an advisory group knowledgeable of storm water and non point source management.

During FY 2006, DRBC will assemble one additional committee. A small steering committee or action council is needed to help coordinate and oversee the implementation of elements of the Basin Plan. The committee is expected to meet infrequently, but be connected externally to regional councils, committees and organizations. These external associations through the steering committee members are expected also to assist with subsequent State of the Basin reporting and while optimizing DRBC staff time.

Section

- 5.0 EDUCATION & OUTREACH for STEWARDSHIP
- 5.1 Reporting
- 5.2 Public Information
- 5.3 Technical Outreach
- 5.4 Promoting Stewardship

Reporting. Many DRBC projects have individual reporting elements. These are included as products and outputs for the fiscal year of their scheduled delivery. See, for example, the Water Supply Study and DelTrip Annual Progress Report. There are also routine reporting activities that require more significant resources for coordination, integration, and production. Among these are:

- **State of the Basin Report.** By resolution, DRBC is to compile an environmental goals and indicators report every five years, with the first report due in calendar year 2006. Staff will be coordinating this production with PDEP's State of the Estuary work.
- **Estuary Monitoring Report.** A report on Delaware Estuary water quality and living resources prepared every five years; next report is due in 2009.

- **Integrated List.** DRBC biennially reports on the conditions of main stem river water quality relative to criteria in accordance with EPA guidelines for 305 (b) reporting.
- **Annual Hydrologic Report.** A summary of hydrologic conditions in the basin including precipitation, stream flow, reservoir storage, ground water level and the location of 180 mg/l at river mile 95.
- **DRBC Annual Report.** Required by the Compact, this report reviews programs, activities, products and milestones achieved during a calendar year.
- Water Resources Program & Annual Work Plan. Based upon the mandate of the Compact and the goals of the Basin Plan, this strategic plan notes the direction of policy, the scope of DRBC programs, and the expected milestones to be achieved for a six fiscal year time horizon. The annual work plan for each year, extracted from the WRP, explains in greater detail planned activities and allotment of resources necessary for those tasks. The Ten Elements Plan, a strategic monitoring program will be reviewed each year for consistency and support of the Water Resources Program and implementation through the Annual Work Plan.

Public information. DRBC staff responds in a timely manner to media and public inquiries and requests. This includes hosting visits by international delegations who wish to learn from commission staff about water resource management at the river basin scale. DRBC also produces various publications and materials about the basin and water resource management issues.

The Internet is now a major communications tool and the DRBC maintains an expanding web site with an emphasis on providing information that is accurate, up-to-date, and presented in a user-friendly manner. The DRBC web site makes extensive use of links to other external government and other sites where additional information is available. The importance of the DRBC web site as an information tool the public turns to in increasing numbers, especially during times of flooding and drought, is reflected in the number of visits to the home page, which totaled a monthly record of over 15,000 during April 2005 when major flooding occurred along the Delaware River. A future project for consideration is making the on-line Basin Plan more interactive by including links to additional information on topics throughout the document.

Technical outreach. In order to keep current on technical issues and to share information with peers and various stakeholders, DRBC staff members attend and/or participate in regional, state, and national conferences and workshops throughout the year hosted by other government agencies, professional groups, or other organizations.

DRBC also hosts workshops on timely issues, such as implementation of pollutant minimization plans (PMPs) for PCBs and Special Protection Water regulations, to assist the regulated community to better understand commission programs and requirements. The DRBC web site also is used to supplement this information exchange.

Promoting stewardship. Commission staff participates in events throughout the basin to raise public awareness about water resource issues affecting the watershed and the need for stewardship. This includes participation at large-scale community environmental fairs attended by thousands of visitors as well as much smaller events. DRBC places a priority on reaching out to educators and students, as evidenced by staff participation in school events, teacher training workshops, Water Snapshot (a commission-led program), and continued development of "Ed. Web" on the commission's web site. The DRBC continues to support the Delaware River Sojourn by participating on the steering committee and maintaining the sojourn web site.